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PTO-2002-095
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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number: 10/1034
VI/96-001.D2.C.C.OGENASUBLE PA
DRM/PATENT

In re Application of DAVID M. REILLY et al.

Application No.: 10/668,055

Filed: SEPTEMBER 22, 2003

For: FRONT LOADING INJECTOR SYSTEM WITH PRESSURE JACKET ASSEMBLY AND SYRINGE

The owner, MEDRAD, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 5,809,865, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be unenforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

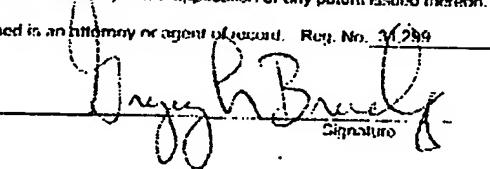
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or partially disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reassigned; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 31,289


 Signature
 GREGORY L. BRADLEY
 Typed or printed name
FEBRUARY 17, 2005
Date(412) 787-2400
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

The Commissioner for Patents is hereby authorized to charge and collect payment from me in connection with my terminal disclaimer to U.S. Patent and Trademark Office.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/66 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public, whether to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including (preparing, preparing, and submitting the completed application form to the USPTO). Time will vary depending upon the individual case. Any comments or the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENTDocket Number (Optional) 103-1
VI/96-001.D2.C.C.D.CRA/ABSEARCHED
INDEXED
MAILED
FILED
PAPERS
PATENTS

In re Application of DAVID M. REILLY et. al

Application No. 10/868,055

Filed: SEPTEMBER 22, 2003

For FRONT LOADING INJECTOR SYSTEM WITH PRESSURE JACKET ASSEMBLY AND SYRINGE

The owner, MEDRAD INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,371,938 to the term of said prior patent in defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or partially disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

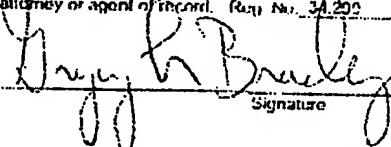
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 34,200


FEBRUARY 17, 2005
DateGREGORY L. BRADLEY
Typed or printed name(412) 787-2400
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

The Commissioner is directed to charge the amount of the terminal disclaimer fee in connection with the filing of this terminal disclaimer to Docket Number 103-1.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2030.

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